(71)

1894-5

Separate Revenue

File No. 23 of 1894

Sls. 1-9

Appeal of J. F. D'costa, Detective Asst. Superintendent, against the orders of the Excise Commissioner

Communicated
[illegible]

J. V. Ramaswamy Iyengar.

CHIEF SECRETARY'S OFFICE.

23

REVENUE BRANCH.

SECTION S. R

FILE No. 23 of 1945

SERIAL No. 23 of 1945

SUBJECT.

OFFICE NOTE.

Complaint - Bribery Rs 10/- against Detective Asst Supervisor D'Costa by Doddama Arrack Shop keeper, Kalathipura, Kadur Dist.

LAST REFERENCE.

Letter No. 4584 dated 30th April 45 from the Excise Comr in Mysr

The Parikeri Amildar enquired into the case departmentally and records in his opinion that the evidence was unreliable and that no case has made out against Dets Asst Supr D'Costa.

2. The Dy Comr states that it can be seen there are a great many discrepancies which throw great doubts on the case And which D'Costa entitled to, Mr Sloan

also sent extracts of the diary for comparison with the original to see if it was compared with And concludes with the remark that a point to be considered is that the offence took place on the 19th Jany and the complaint is preferred on the 28th Feby/94.

3 The Excise Comr never the less ordered this very doubtful case against D'Costa to be tried criminally.

Mr Knight, the Magistrate took up the case and went to all the points raised & thoroughly sifted the whole matter, and came to same conclusion as Muldar did, and his "order" disposes of several doubts entertained by the Excise Comrs discharged the accused under Sec: 253 I.P.C.

The Dy Comr sent up copy of Knight's "order", with his No 731 D/23rd June/95, on which the Excise Comr passed following order.

" D'Costa appears to have
"been rightly discharged
"in this case. I doubt the
"truth of the accusation and
"many probabilities are in
"D'Costa's favour".

" In re - the diluted baby
"dram cups, there may have
"been delay and negligence on
"his part and there may have
"been misconception as to what
"Mr Mc Donell told him but
"I do not see the intention of
"hushing up the case as the ex
"articles were in the custody of
"a third person".

" I do not think that D'Costa
"can be in a worse position after
"the prosecution, than before it.
"He must therefore be allowed
"to resort to his appointment and
"be transferred to a Mandan District

6 On the 30th January 95, D'Costa petitioned the Excise Comrs on the three points given below. With the Excise Comrs orders against each:—

Petition	Excise Comrs orders
(1) "to cancel the suspension "order & to reinstate me".	"To be reinstated"
(2). "To order the disbursement of	Yes

"my pay & allowance for the "time I was under suspension, "minus the Subsistence "allowance kindly allowed me".		
(3) "Awaiting at Bangalore "for your honor's early orders.		"Communicate to petitioner "purport of my orders, and of "his transfer to a Malabar Distt". 2-2-95 Signed L.R

7. On the same date viz 2-2-95, on which the Excise Comr passed the foregoing two Orders, he wrote to the following effect a D.O. — "Who is "Mr D'Costa acting for and "when does the permanent "incumbent return?"

8. The Shenbaga's note in reply runs as follows:— "Sir, D'Costa was formerly "a 2nd Grade Tester on Rs "25+10, Shimoga Distt. On "Mr McDonell's recommendation "he was appointed one of "the temporary Distt asst "Supervisors in the Kadur Distt "on Rs 50+15 and subsequently

"raised to Rs 60+15 When
"the Temporary Defr Asst
"Supervisors were transferred
"by Govt to the permanent scale
"on your recommendation, all
"were confirmed except D'Costa
"pending the result of the
"trial of his case. Therefore
"D'Costa still remains a
"Temp Dy Asst Supervisor
× ×
⊗ × × × ×
"If D'Costa is to be confirmed
as Defective Asst Supervisor,
"he must be kept in Thimoh
"or Kadur or Hassan Dists
there being no Defr Asst
Supr's post available in
Chaidan. But he can be
transferred to Chitaldroog
as Darogah on Rs 40+15,
the present Darogah
Karanidam Modahar
who was on the Dy Comrs'
recommendation promoted
a Defr Asst Supr's post
on Rs 60+15 being sent
to Kadur Dists in place of
D'Costa on Rs 60+15."

4/2.95 Sdy/ S. V

9 The Excise Comr is order on the above runs thus:—
"May be done. When wanting "to dry Comr ask him to be good "enough to report after 6 months "or earlier if Mr D'Costa is "giving satisfaction."
7—2.95 Sd/ L.R.

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10. The Office have misled the Excise Comr. The order of Govt when sanctioning the Detective staff was to the following effect:—
Extract of para 7 of Govt Proc no 1152 dd 24th June 90:-
"x x x The proposal to employ the "Detective staff in the Malnad "for a part of the year, and "chiefly in the Maidan during "the remainder of the year "is also approved." x x x x-

11. I had the whole force, with the approval of Govt, located in Shimoga & Kadur where illicit distillation cases were rife and to train the new men and select those with real Detective ability & relegate those without, to the General Br as directed by Govt.

12 The Excise Comr on his own motion removed a Detective to Hassan Dist & Arsikere & Maidan Palak and two others to the Gent Line. There is no doubt that he could have done likewise in D'Costa's case, by sending him to the "Gold Mines × Camp" On Special Detective Duty, while more than ample scope exists for an Active, Zealous and energetic Officer of D'Costa's ~~stamp~~ Detective ability.

× Nb. The last Sales realized Rs 1-3-1 Sale Govt allowed only Aus 10½ - Govt obtained Rs 58,635 but is settling Rs 2,28,761/61-9-0 The men must not only get back the 8 Aus & 7 Pies lop but also earn a living. Get pi fresh a place that is no competent E. Offr - J.A.D. S. A.I.

13. The two first orders passed by the Excise Comr are both just and equitable and in this particular case might, I humbly submit, be given practical effect to as suggested in para 12 above.

14 In the Leaky Dram Cop and Toddy Liquor Cases alluded to and with which my name has been mixed up; as, Special Asst Comr, with the powers of "Dy Comr", in direct charge of the Dist Branch present on the occasion, I am in a position to exhonorate D'Costa of

negligence, apparent delay &c
which are attempted to be
fastened on him.

15. It would be hard on
the whole Excise force, if any
Shop-keeper, who is severely
punished by the Magistrate,
turns round and brings, in
retaliation, false charges
against an officer and that
Officer at the recommendation
of the subordinate Office Officials
and not in justice & equity,
is not reinstated to his post
with full pay and allowances
as ordered by the Hd of the
Dept but degraded and
disgraced for actually doing
his duty -

16. D'Costa has been under
suspension from 1st Augt 94
to 16th Febry 95 i.e 6½ months,
has had to engage Counsel,
obtain Copies of documents,
and sustain heavy Expenses,
& anxiety of mind - This
itself is a heavy penalty for
not having Committed any
sin in this case - The other
old Cases reared up against

CHIEF SECRETARY'S OFFICE.

Expire

GENERAL BRANCH.

SECTION S. R

FILE No. 23466

OFFICE NOTE.

SUBJECT. As to Mr Suspended, tried & discharged for want of evidence, and degraded two steps and appointed Temporary Det: Asst Supervisor

LAST REFERENCE. Di Costa appeals against the order of the Ex: Com^r Letter No. 5114/467 dated 28 May 1895 from the Excise Commissioner.

1. When the Excise Department was placed under Colonel Campbell, the 1st Excise Commissioner, posts in the Detective Branch were thrown open to the whole Excise staff from Excise Officers to Assistant Supervisors and offered to any one of them who detected and obtained conviction of 3 cases of Illicit Distillation.

2. This was done to draw out the Detective talent lying dormant in the Force and enable

Enable those alone Being -
Selected who possessed real detective
ability.
3. Though D'Costa detected 17 cases
of Illicit Distillation from 21/10/90
to 17/10/91, he did not get the
benefit of the above offer.
4. On Mr. Ricketts' appointment
as Excise Commissioner, the special
permission of the Diwan was obtained
to cancel the irregular action taken
by his immediate predecessor and
to give practical effect to the
original order of Government No.
1152, dated 24th March 1890, para 7.
6. Those without detective ability
were relegated to their permanent
posts and others with detective talent
appointed thereto in the Temporary
Detective staff. One of these was
D'Costa with a record of 17 cases
of Illicit Distillation, and other cases,
where real detective skill were
displayed and he was appointed
Temporary

Temporary Detective Asistant Supervisor in the Cast grade on Rs 50+15=65 on 16/7/92.

6. Appointments were made in the lower grades and promotion to the higher grades (pay kept open) was to be earned by successful detection and display of detective skill and honest work. Here again D'Costa came to the front with nine more cases from 27/6/92 to 6/4/93, and Mr. Ricketts on the promise he held out promoted him to Rs 60+15=75 on the recommendation of the Special Asistant Commissioner and the Deputy Commissioner. Order No 5648/111 dated 23.4.93.

7. The Excise Commissioner asked to have the (1) Temporary Detective staff confirmed; and (2) to transfer two of that force to the General Branch. Government sanctioned the latter in Proceedings No. 19222/31, dated 4.5.94; 23.7.94; but to the former added a rider that the services of a good active officer with technica

knowledg

knowledge to direct the Detective force were needed without which it was found to deteriorate as successful detection could not be carried out on the proposals made and therefore fresh proposals to ensure better results in future were needed and that the sanction above given is subject to orders on such proposals being sent up.

8. The Excise Commissioners Virtually shelved the Detective question and submitted general proposals for the appointment of 8 separate Excise Assistant Commissioners to be in independent charge of Excise work in each District. This was negatived by Government. The Temporary Detective Force thus stands as it was before the appointments connected therewith ~~did~~ all temporary pro-tem.

9. As far as D'Costa's case now stands, under the above circumstances it will be seen that a false charge was preferred against him, he was suspended tried and discharged

- discharged for want of evidence. The Excise Commissioner says clearly:-

"I do not think that D'Costa's
"case can be in worse position after the
"prosecution than before it. He must therefore
"be allowed to revert to his appointment
"and be transferred to a Daidau District".

10. To the request preferred for disburse-
-ment of pay and allowances, less advances made
the Excise Commissioner passed a confirmatory
order.-

11 D'Costa is therefore in justice and equity
fully entitled to re-instatement in his appoint-
-ment on the Temporary Detective staff on Rs
60 + 15 = 75 and to his full pay and allowances
less advances made from date of suspension.

12. Prior offences have nothing to do with the
present case. They have all been fully condoned
by subsequent promotion two steps and the
excellent record of work indicated in the de-
-tection and conviction of 23 cases of illicit
Distillation. He should be transferred to -

a c. Maidan District which is per-
- missible under the Order of Government
of 1890 above quoted; and, as the "Gold
Fields" are in need of a competent and
energetic Officer endowed with zeal and detective
ability, D'Costa may be sent there at once.

6th June 1895 } J. W. Wilmot
Sub Asst Commr

In the Resident's own opinion, D'Costa was rightly discharged. "We doubted the truth of the accusation - we even detected that D'Costa planned he allowed to remain & that subcontinent & transferred to Maidan District - But instead of this being done, D'Costa was sent to the Interior District on reduced pay. He has thus lost 20 Rs a month. He has also lost a portion of his pay & allowances during suspension. If his case deserves to be

a Chaudoue & to observe
favourable reference at
the hands of the Excise
Comm. & begs to suggest
that the Rs. Comm be
reformed accordingly.

Submitted to the
3rd Councillor in order
to
Thanks D. Costa's letter of 15-6-95
which was promoted here. I do
not think that his conduct has been
satisfactory altogether. He bases his
case on his pressing appointments
and promotions. His present appt.
on Rs 40+15 is far higher than his substantive
appt. of Teller on 15+10. So his
case cannot be considered to be at any
disadvantage. The Sc. Comm. may be
instructed to view his case favourably
on an opportunity if D'Costa does
good work as Dy Supt
11-6-95

Draft orders
accepted
11-6-95
Ag Secy
11/6.

15

SECTION S.R.

FILE NO. 23 of 94-5

Memo

D'Costa Detective Asst

Supervisor, in his

Appeal petition D/ 1st April 95

requested his re-instatement

as also the disbursement of

his full pay for the period

of his suspension.

2. The Excise Comr in

reporting the Circumstances

under which D'Costa was

appointed At Poddy Durgah

of the Chitaldroog Distt) instead

of being re-instated to the

Detective Asst Supervisorship,

stated that he did not

order the disbursement of

full salary for the period

of suspension but allowed

only four-fifths of pay under

135(b)(ii) of the Mysore Service

Regulations.

Vide GO. 4584 D/ 3rd
437 / March 95

3. In Govt Proc's No 2382-3/3405 Dt 15th June/95, the question of reinstatement was disposed of, the Excise Comm's order being upheld by Govt.

4. No order was passed as regards D'Costa's prayer for the disbursement of full pay during the period of suspension.

5 The Excise Comm has now submitted for sanction supplemental pay bills for Rs 168 & 49-14-10 on account of 4/5 of pay allowed by him for D'Costa as there was an extra-charge of Rs 12/- per mensem on account of acting arrangements made during the period of suspension. Vide No 5228/474 Dt 6-6-95

6. The question stands thus:

i D'Costa was suspended for taking a bribe and

17

discharged the Police
Court says he was rightly
discharged and ordered
his re-instatement so far
as that Court could.

ii Other matters were
heaped up against D'Costa
and the Police Court
removed him from the
post held in "the Temporary
Detective Staff" and promoted
him on the permanent staff from
Rs 15+10 = 25 to Rs 40+15
= 55.

iii D'Costa's case thus,
I opine, falls under
Sec 13 CI and not
II. If so, he must get
full pay as the mis-
-conduct originally alleged against
him which he was suspended & tried
for was not proved against him.

Orders are solicited

28/6/95

S. D.

D'Costa was not
honorably acquitted
4/5 deems himself
enough.

5-7-95.

Jas. Sanchez
to Lilla 5/7/95

Permit for Interview. 1/4 Secretariat

SECTION S. R.

DIARY No. 2330 Conf

2855 Conf

SERIAL No. 1

TO

ABDUL RAHAMAN SAHIB ESQR., Khan Bahadur,

Councillor to the Government of Mysore,

BANGALORE.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 2335/R
DATE 1-4-95

THE HUMBLE APPEAL OF J. F. D'COSTA DETECTIVE ASSISTANT SUPERVISOR, TARIKERE RANGE AGAINST THE ORDERS OF THE EXCISE COMMISSIONER IN MYSORE— No. 3413/308 dated 10th February 1895 and No. 3542/832 dated 21st Feby/95

MOST RESPECTFULLY SHEWETH.—

That in a written complaint dated 28th February 1894, one Doddamma charged Your Memorialist with having obtained Rs. 10 from her in her capacity as arrack vendor, Kallathipoor, when he as Detective Assistant Supervisor, inspected her shop on the 17th January 1894.

2. That the Amildar of Tarikere held a preliminary enquiry into the said matter and arrived at the conclusion that the charge against Your Memorialist was groundless. (A certified copy of the Amildar Magistrate's report is hereto annexed with English translation and marked A).

3. That the conclusion arrived at by the Amildar Magistrate was up-held by the Deputy Commissioner, Kadur District, who in his letter No. 17 dated 4th May 1894 to the Excise Commissioner in Mysore (vide certified copy hereto annexed and marked B) particularly drew attention to the fact that the alleged "offence "took place on the 17th January whereas the complaint was written on the 28th "February 1894, no complaint having been made to any one else mean while."

4. That thereupon the Exise Commissioner directed Your Memorialist to be formally tried and that officer further ordered Your Memorialist's suspension from office pending the result of the trial.

5. That in Criminal Case No. 49 of 1894-95 on the file of the Treasury Assistant Commissioner and 1st Class Magistrate Kadur District, Your Memorialist was accordingly tried for an offence under Section 161 I. P. C. and discharged on the 18th January 1895, as will be seen from the certified copy of judgment hereto annexed and marked C.

Your Memorialist was suspended from 1st August 1894 to 16th February 1895.

6. That Your Memorialist believes that the Excise Commissioner himself after thoroughly sifting Your Memorialist's case, finally arrived at the same conclusion as that arrived at successively by the Amildar, the Deputy Commissioner and the trying 1st Class Magistrate-viz. *that the accusation was false.* The *original* records of the Excise Commissioner's Office will doubtless throw considerable light on this subject.

7. That the official communication [No. 3410-11/806 dated 10/10th February 1895 to the Deputy Commissioners ~~of~~ copy sent to Your Memorialist (by No. ⊗3413/308 dated 10/10th

Kadur & Chitaldroog—]

B

* Note— At the instance of the Excise Commissioner.

⊗ — Being copy of the said communication to the Deputy Commissioners of Kadur and Chitaldroog.

February 1895) contains the following— "D'Costa (meaning Your Memorialist) "who has been under suspension pending the result of enquiry into the above "bribery case *is ordered to be reinstated* and transferred to the post of Abkari "Daroga, Chitaldroog District."

8. That evidently the Excise Commissioner *did not intend* that after all the anxiety, trouble and pecuniary loss Your Memorialist was subjected to, and after his successfully vindicating himself before a judicial tribunal, Your Memorialist should be *degraded* from an appointment (Detective Assistant Supervisor 2nd Grade) carrying with it a salary of Rs. 60 + 15 = 75, to an appointment (Abkari Daroga) carrying with it a salary of Rs. 40 + 15 = 55. Your Memorialist humbly and earnestly prays a patient consideration of —

(a) Excise Commissioner's Official Memo No. $\frac{3410\text{-}11}{806}$ dated $\frac{10}{16}$th February 1895 to the Deputy Commissioners of Kadur and Chitaldoorg— hereto annexed and marked D.

(b) Mr. W. V. Davy's note dated 4-2-95 hereto annexed and marked E

(NOTE.—The Excise Commissioner having personally told Your Memorialist that his papers were referred to Mr. Davy, Your Memorialist applied to Mr. Davy. Hence the reply).

(c) Your Memorialist's petition dated 30-1-95 to the Excise Commissioner that will be seen among the *original* records of Your Memorialist's case in the Excise Commissioner's office.

9. That Your Memorialist is utterly unable to conceive why he has been *degraded* when the Excise Commissioner himself on a former occasion had specially commended Your Memorialist for good work rendered (vide his docket No. $\frac{5648}{111}$ dated 25th April 93 to the Deputy Commissioner, Kadur (copy hereto annexed) *marked F. and since the termination of the legal proceedings hereinbefore referred to had placed on record that Your Memorialist "*was rightly discharged*" and that he (the Excise Commissioner) "*doubted the truth of the accusation.*"

10. That in consequence of the apparent misconception of facts by the Excise Commissioner in his order (marked D in the annexures hereto) concerning Your Memorialist's *reinstatement* which however, carried with it *degradation* that was clearly not intended, Your Memorialist addressed the Excise Commissioner by a petition dated 18th February 95 and received to his utter consternation, an endorsement No. $\frac{3542}{832}$ dated 21st February hereto annexed and marked G.

11. That the Excise Commissioner's said *final orders* leave Your Memorialist *no alternative*, but to appeal to the Government in the confident hope that his grievances will be fully redressed and that in addition to Your Memorialist's reinstatement in the grade of Assistant Supervisor in which he successfully discharged his duties before suspension, Your Memorialist will be allowed his full salary in accordance with Mysore Service Regulation Section 135 clause *(b)*.

12. That when the Detective force was organized, Your Memorialist was specially selected and appointed on 11th July 92 as 3rd Grade Assistant Supervisor, on a salary of Rs. 50+15=65. Owing to hard work, exposure and the many risks to life or limb run by Your Memorialist in successfully detecting

the largest number of cases of illicit Distillation, Your Memorialist was *promoted* to the 2nd Grade in April 1893. It was after the *false charge* herein-before referred to against Your Memorialist, and after his suspension, that the Detective staff was placed on a permanent footing; and were it not for the said long pending Criminal Proceedings, Your Memorialist believes he would have been among the first to be brought on the permanent strength.

Your Memorialist begs leave to state that the said false charge was the outcome of Your Memorialist's zealous and fearless discharge of public duties when he succeeded in procuring a conviction in the month of April 1893 against the husband and son-in-law of the said complainant, Doddamma, whose spite and ill-feelings against Your Memorialist have been worked upon by certain enemies of Your Memorialist in the Excise Department.

In consideration therefore of —

(1) Your Memorialist's good services,

(2) The unqualified opinion pronounced in favor of Your Memorialist, and

(3) The equities attending Your Memorialist's case,

Your Memorialist humbly and respectfully prays that he may be reinstated in the appointment held by him before suspension, and that all arrears of pay and allowances may be ordered to be disbursed to him, and Your Memorialist, as in duty bound,

WILL EVER PRAY.

Dated Bangalore
31st March 1895

Dept: Asst Superintendent
Carnatic Range.

A

7.3.94.

ఉదయం 9 గంటలకే మొదలైన పోలింగ్ ప్రశాంతంగా కొనసాగుతోంది. ఉదయం 11 గంటల వరకు 30 శాతం పోలింగ్ నమోదైంది. మధ్యాహ్నం 1 గంటకు 55 శాతం పోలింగ్ నమోదైంది. సాయంత్రం 5 గంటలకు 75 శాతం పోలింగ్ నమోదైంది.

3) పై వ్యాధి కి, పై బస్సు వల్ల గాయపడ్డ వారి వివరాలు తీసుకొని, ఆ వివరాలు 1-2-3 కాలమ్ లో రాయండి. నివేదిక 17/1/94 కల్లా ఇవ్వాలి. ఆలస్యం అయితే ఏం జరుగుతుందో వివరించండి. ఇవ్వాల్సిన వివరాలు ఇవ్వకపోత

ಮೇಲಿಂದಾವರೆಗೆ ಅವರು ಅಲ್ಲಿಗೆ ಹೋಗಿ ಬಂದಿದ್ದಾಗಿ ಹೇಳುವುದಾಗಿ ಹೇಳಿದ್ದಾರೆ. ಅವರು ಹೋಗಿ ಬಂದಿದ್

(Signed) C. Krishnamachari

20/4/94

Copy

1st Class Major

Kasaragod

Copy applied for by Pleader Sri Narasimhachar for accused on 5.3.95.

No: of words 210

Copying fees 0-3-0

Comparing fees 0-0-6

0-3-6

Copy ready for delivery 6.3.95

delivered on 8.3.95

Translation of (Exhibit A) Amildars report No: 396/16 dated 20. 4. 94

In reply to Deputy Commissioner's Order No: 502/7. 3. 94

Report thereon dated. 4 94

The records of enquiry made as per order with regards the complaint of Doddamma, an arrack Vendor Kallathipur is hereto annexed. with Jerust

2. The complainant states as follows.

That while she was absent from her house, the Detect=ive Assistant Supervisor of the Taluk. D'Costa by name Ramappah son of Devarappa, Avanthiah and the As=sistant Tester, these four men with boots in their feet rushed into her house, tested the arrack and caused much confusion. That her daughter by name Thimmi got frightened and sent for her. When she came she saw that all the above said persons seated in the house On being questioned why they did so when she was not at home, the Supervisor told her that she had diluted the arrack and asked her to carry the pot to Tarikere. Thereupon Ramappa told her that he would pacify if she gave Rs 20/-. She having been afraid gave Rs 8/- which was returned alleging the same to be insufficient That then she gave Rs 10/- which Ramappa gave to Supervi=sor, who put the said money into his pocket and went away

(3) 1 Nallappa 2 Basappa. 3 Complainants daughter Thimmi. 4 Hussain sab and 5: Ibrahim sab were examin=ed for the complainant. Witnesses. 1. 2. 3 and 4 state

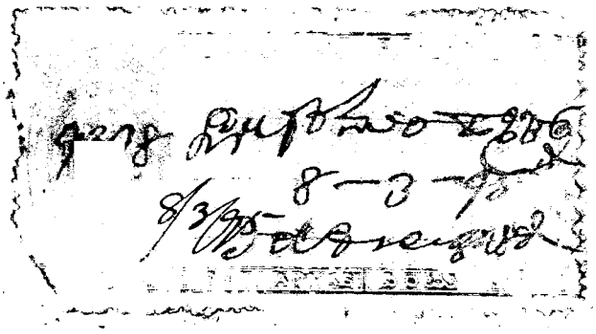
that the Supervisor came to the shop of the Complainant for the examination of arrack on the 17th January 1894 and received Rs 10/- from her. But as there are contradictions not only with regards to time &c in their statements it appears to be doubtfull. Her 5th witness and Ramappa Ananthiah and Assistant Tester who were said to have gone with the Assistant Supervisor depose that no money was paid at all.

4 The explanation of the Supervisor is herewith annexed It states that he inspected the complainant shop on the 17th January and as the accounts were not written up from the 11th to 17th January he warned the complainant. That he did not receive Rs 10/- from the Complainant, and that as he had taken up a case under the Excise Act against her husband and got him fined Rs 75/- this complaint has been preferred. This fact appears to me to be true.

5 The account book of the complainant was sent for and looked into. It appears that she has got the accounts since written up. I am of opinion — that owing to the vendors of arrack and Toddyshops in the villages not being literate men and as they get the accounts written by the Depôt Muhsundies, most probably it gives rise to such troubles. It is not known why the complaint was not preferred till the 28th of February 1894 about the occurrence of the 17th January 1894. The statement that Supervisor received a bribe so publicly and in the presence of so many people is incredible - /s-d/ C Krishna Rao

20. 4 94

Amildar



B

The Excise Commissioner
Dublin

217 South Circular Road
Date 4th May 1894

I have the honor to forward the records connected with the case of Extortion of £5/10 by detective Appleyard Supervisor Costa[illegible] perusal from the statements given there. It can be seen that there are a great discrepancies which cast great doubts on the case & which Mr Costa is entitled to.

The extract of his diary were enclosed might be compared with the originals in the Excise Commissioners Office; the date of receipt of which might also be noted and it may be judged whether Mr Costa could have altered his diary after hearing of the complaint to the Excise Commissioners before submission of the

Same.

Another point to be considered is that the offence took place on the 17th January and whereas the Complaint was written on the 28/2/94 and no Complaint was made by the petitioner to anyone meanwhile.

(Initialled) H.H.S.

Deputy Commr

Copy

[signature]

1st Class Magt

Kadur "

BB

Copying applied for by Pleader
but Narasimhachar for accused 5.3.95
No: of Words — 120

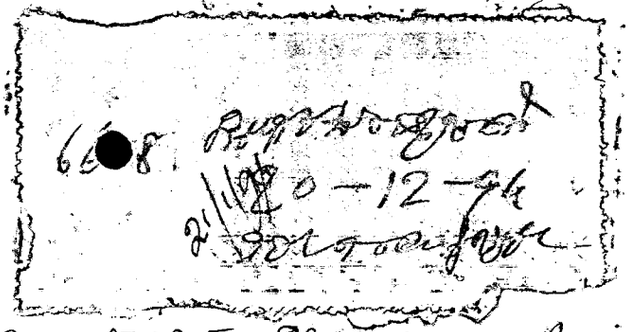
Copying fees 0-3-0

Comparing fees 0-0-8

0-3-8

Copy ready for delivery 6.3.95

Delivered on — 8.3.95



C1

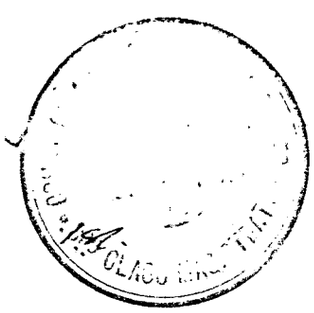
In the court of the Treasury Assistant Commissioner and 1st class magistrate, Kadur District.

Dated Chikmagalur 18th January 1895.

Present C. J. W. Knight Esqure

Criminal case No 1,9 of 1894-95.

Complainant		Accused
Doddamma	vs	D'Costa



This case was transferred to this court by the District magistrate of Kadur for enquiry from the file of the General Assistant Commissioner & 1st class magts Court. The Complaint was to the effect that the accused obtained Rs 10/- from the Complainant an arrack vendor at Kalathipur, when he inspected her shop in his capacity as detective assistant Supervisor, and thereby committed an offence punishable under Section 161 I.P.C

Prosecution was conducted by the Head Quarter Police Inspector.

1 Doddamma, 2 Hussain Sab, 3 Nallappa 4 Basamma, were examined for the prose-

cutio

cution and the following Exhibits were filed.

A. The Complaint petition dy 28th February 1894 to the Inspector General of Abkari Department. Bangalore.

B. The statement of Complainant before the amildar magistrate of Chikmagalur Taluk, dated 20th August 1894.

C General Diary Book.

D Excise Commissioner's docket No $\frac{4195}{117}$ dated $\frac{26}{27}$ th June 1894 to the Deputy Commissioner, Kadur District

No charge was framed against the accused.

The statement of the Accused was as follows:—

I did not take bribe from the Complainant as stated by her. She accuses me through Zid. There are some enemies of mine. This Complaint has been preferred at their instigation. I passed the Complainant's shop on my way to Hosakan &c. I came to Kallatipur at about 4·30 P.m. on the 17th of January 1894. I inspected the

the Complainant's shop. When I got the Complainants husband fined, the Complainant said in front of the Taluk Cutchery that she would wreak vengeance against me. I never went to her shop till 17th January on account of this. I went to her shop and took Ramappa and Ananthiah with me. There was no arrack &c in the shop. I then went near her house and called out 4 or 5 times. No one replied to my call. When I called out again, one Timmi came out and when I asked about the arrack she said that she had kept it inside and that she would bring it out. So saying she went out of the house. She returned after half an hour. I asked her to show me the arrack. She then brought out a jar and a sealed bottle for inspection. I called Ramappa and Anamalappa saying that I would test the arrack. I then tested the arrack which was alright. I asked for the account book. She brought it. Accounts were not written from the 11th to 17th. I turned over a few pages and found the remarks made by the Sheristadar

i.

blue pencil saying that accounts were not written up. I asked her why they were not written altho, the Sheristadar had noticed the omission. She said that although a sum of Rs 1-8-0 was paid monthly to the Koli Mutsaddi, he had failed to write them up and that she would get it done when she went for arrack again. I warned her that a recurrence of the omission would be noticed, and came near the shop, then the Complainant came up making a noise saying that I had got her husband fined Rs 73-0-0 and that I had come to there to ruin her and that she would wreak her vengeance I spoke to Ananthiah and Ramappa. Afterwards Ananthiah went to his estate. The Assistant Tester, my groom and myself went on our way. The amildar of Tarikere asked me to give my statement regarding the Complaint of Doddamma and to show my diary. I showed my Diary book and gave

my

my statement. together with an extract of my Diary. I see Ex No 7. This is the state-ment I gave. I sent a copy of my Diary to Excise Commissioner on the 26th February marked Ex 8. It was sent back to me with certain Remarks. I returned it on the 27th march with my explanation. I was asked, on the 2nd June why I had not returned it. I informed the Excise Commissioner that I had sent it. I was asked again to send it. I then sent an extract. I afterwards sent the Diary Book marked Ex: No 9. I got remarks written in the Complainants accoun book on that date.

The following exhibits were filed on behalf of the accused.

1. Complainants statement before the amildar of Sirsikere dated 23rd March 1894.
2. Complainants statement before the amildar magistrate of Chikmagalur dated 30th July 1894.
3. statement of Hussain Sab before the amildar of Sirsikere d 26th March 1894

4. Statement of Nallappa before the amildar of Harikere dt 23rd march/94.

5. Statement of Basappa before the amildar of Harikere dated 23rd march/94

6. Statement of Timmi before the amildar of Harikere dated 26th march 1894.

7. Statement of the accused before the amildar (given to the amildar) on 31st march 1894.

8. Entry in the Diary Book of the accused on the 14th January 1894.

9. Diary Book.

The following persons were examined as Court witnesses.

1. Timmi. 2 L. Ramachar. 3 Ramappa
4 Nagalingaud Modliar 5. Rachappa
6 Nunjundiah. 7 Venkata Ramaniah
8 Anantiah. 9 Beeram Sab.

Pleader Mr Krishnaswami Rao for the Complainant and Pleader Mr. Narasimachar for the accused appeared in the case.

Order

In this case the accused D'Costa was charged by the Complainant Dodanna, an arrack Vendor at

at Kalathipur, with having obtained from her a sum of Rs 10/- when he inspected her shop in his capacity as detective Assistant Supervisor, holding out a threat to her at the time that if she did not remunerate him he would prosecute her for vending arrack below the required strength.

The matter was at first enquired into departmentally, and the Mudaliar of Varikere who enquired into the Constable recorded it as his opinion that the evidence adduced by the Complainant was not reliable and that no case had been made out against De Costa.

The records having gone before the Excise Commissioner orders were issued that De Costa should be prosecuted upon which proceedings were instituted against him.

The Complainant called three witnesses, and 9 nine others were examined as Court witnesses. I have carefully read and considered the evidence given by these witnesses and have

have also perused the Exhibits filed and compared the same with the ~~real~~ oral evidence.

It will be seen that the Complainant omitted to call several of the parties who were alleged to have been present when the accused received the money from her and also when he admitted his guilt at a subsequent period & begged to be excused. Between the statements of all the witnesses examined there are several wide and material contradictions such as are not met with in the statements of witnesses of truth, while the witnesses who were called by the Complainant help her in saying that the accused did threaten her & receive Rs 10/- from her, they yet do not tally in point of time nor with regard to the place where the money was paid. and more than this, they have contradicted in several points their own statements which were given by them before the Amildar of Sankeshwar which statements have been filed as Exhibits in this case.

I do not think it necessary to enter into details of these contradictions for these are sufficient noticeable in the State-ments now recorded to throw considerable doubt on the evidence. Witnesses Ramapa Ananthah & Veeran Sab who were alleged to have been present when the money was paid deny in toto that the accused ever received anything from the Comp-lainant. Veeran Sab further says that he sent one Ranja to call the Complainant and not Hussain Sab who appears to be on rather intimate terms with the Complainant. Of all the witnesses examined Ananthiah may be said to be the most respectable and I can scarcely bring my mind to the conclusion that he would have so positively denied the fact, if really the complainant paid the accused any money. Of the witnesses who were named as having heard the accused admit his guilt & beg to be excused, Munimdiah denies all knowledge of the fact, and I would be very reluctant to accept what

COURT OF ASSISTANT COMMISSIONER CIVIL AND SESSIONS DISTRICT 1st CLASS MAGISTRATE

Naga Ungu

Nagalingam Modliar and Rachappa depose to for neither of these men appear to be on good terms with the accused.

Now with regard to the aspect of the case - In the first place it - appears to me very improbable that the Complainant would have allowed so much time, namely from the 17th January to the 28th - February 1894 to have elapsed if really she had a bonafide case against him. She evidently has suppressed the name of the writer of the petition and does not wish to disclose by whom she was advised to lodge the complaint which was no doubt an after thought of hers. In the next place it does not stand to reason that the accused would have so openly used his authority by threatening the Complainant and forced her to pay him a consi- -deration in vain to save her from a prosecution. A number of indi- -viduals were present, the majority of

of whom were on the side of Complain-
-ant and the relationship between the
Complainant and the accused were
not friendly for the formers husband
had been fined in a case institu-
ted against him at the instance of
the accused. If the Complaint were
true it may be asked why the Comp
-lainant did not lodge the same
before the accused's immediate Superiors
In the natural order of things one would
suppose that she would have at once
gone to the Amildar or to the Deputy
Commissioner and reported what
transpired instead of waiting for
so long a period before she sent up
the petition to the Excise Commissioner.

The Complainant says that she
travelled with the accused, after what
had transpired, up to Darikere. That
she engaged a cart at Lingadahalli
and accused's brother-in-law was
given a seat in it up to Darikere. She
also states that she gave the accused
some milk to drink in a chemboo.

2f

If really these friendly acts had been performed subsequent to the payment of the money, there it stands to reason that all differences had been made up between the parties, and under such circumstances it is not likely that this Complaint would ever have been lodged against the accused even if true.

Thus, so far as regards the evidence and the surrounding circumstances of the case I see no sufficient grounds to conclude that a prima facie case has been made out against the accused. The only thing against him is the fact that Ex 9 contains Seven printed pages less than Ex: C another book with the same forms of diary, but it cannot positively be said that Ex: 9 contained more forms for no precaution was taken to number the pages before the book was issued to him. His diary which had been returned with certain remarks therein, he says he resubmitted with his explanation, but this does not appear to have been received

and

and much stress was laid on the above facts in the argument for the prosecution but I failed to see how they could in themselves be sufficient proof of the guilt of the accused. It is possible that Ex: 9 contained a less number of pages than Ex: C and it is possible also that the diary may have miscarried in transit by post.

There may be sufficient reasons for the accused to be dealt with departmentally, but I am of opinion that he cannot be put on his trial and I therefore direct that accused De'Costa be discharged under section 253 C.P.C.

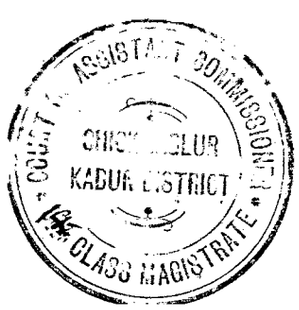
(Sd) J. W. Knight
1st Class magistrate

Chikmagalur
18th January 1895.

Pronounced in open court 1.
18th day of January 1895.

(Sd.) J. W. Knight
1st Class magistrate

"True Copy"



BB

1st Class magistrate
Kadur Dist

Memo

Copy appd for by De' Costa on 19 · 1 · 95

Do ready for delivery 20 · 1 · 95

Do delivered 21 · 1 · 95

No of Words 1948

Amount of Fees 1 - 14 - 0

Comptg Fees 0 - 6 - 8

Total 2 - 4 - 8 only

Copied by

H. Venkata Dasappah

L. Copyist

Excise Commissioner's Office

No. 3410-11
906

Bangalore, dated 10th Feby
1895

D

Official Items

Read:—

(1) Copy of Judgment of 1st Class Magistrate Mr. Knight in a case of bribery under section 161 of the Indian Penal Code, preferred by an arrack shop-keeper at Kalatthpur, Kadur District, against Temporary Detective Assistant Supervisor D'Costa.

(2) Correspondence in re a quantity of diluted liquor and leaky drams cups sized by the above D'Costa in an arrack shop in the Kadur Taluk.

1 D'Costa appears to have been rightly discharged in the above bribery case. The Excise Commissioner doubts the truth of the accusation, many

many improbabilities being in

D'Costa's favor.

2. In the case of diluted liquor and leaky dram cups there may have been dereliction of duty and negligence on the part of D'Costa, and there may have been mis-conception as to what Mr. McDonell (in whose presence and under whose orders the seizures were made) told him. But the Excise Commissioner does not see the intention of hushing up the case, as the articles seized were in the custody of a third person. Under such circumstances, D'Costa who has been under suspension pending the result of enquiry into the above bribery case, is ordered to be reinstated, and transferred to the post of Abkari Darogah, Chittaldroog District. The Deputy Commissioner of the Chittaldroog District will be so good as to report after six months or earlier if D'Costa

is

is giving satisfaction

3. Paramsamy Modliar, Abkari Daroga, Chitaldroog District, is appointed a Detective Assistt. Supervisor, Kadur District, on Rs. 60+15 vice D'Costa, to be in charge of both Chickmagloor and Mudigere Taluks, Mr. Hayes being in charge of the General duties of the whole District, as General Assistant Supervisor.

(signed) L. Rice. M.

Excise Commissioner
in Mysore

To
The Deputy Commissioners,
Kadur & Chitaldroog Districts.

Offl. Memo

No. 3413/808 Copy of the foregoing is forwarded to D'Costa for information and guidance.

Mikette
Excise Commissioner
in Mysore

Camp E
Bryne
4.2.95

Sir I return the
copy of the Judgment
& in case that
you agree with me
in perusal -
The Secretary
has issued orders
in your case wh:
you will duly
receive, & I believe
you will exert
to your utmost
appointment -
Yours dutifully
V. Vincent Head

General Serial No. 28.)

1893.

From The Excise Commissioner in Mysore

To The Deputy Commissioner Kadur District

Dated 25th (illegible) April 1893

Despatched 29th Camp Vandya

Received

General No. 5648 / No. 111 } 1893

Enclosures—Number.

The Deputy Commissioner's No. 1419 dated 17th Instant

In reply has the honor to state that as Dresta appears to have done well in the detection of illicit distillation, he is promoted to the 2nd

grade Temporary Detective Assistant Supervisor – Ship on Ro 60 + 15 with effect from 15th April 89

2 It is requested that Inspr Mc Donnell may be asked to prepare and submit a statement showing the number of cases of illicit distillation detected by each member of the Detective staff in 1892 and upto date in 1893

(Signed) L Ricketts
Excise Commissioner
in my Sole

No 420

Official Memorandum

Camp: Hassan, Dated 14th/15th May 1893 – dr

The foregoing extract is forwarded to Temporary Detective Assistant Supervisor D'Costa for information and guidance, with a request that he will show vigour in the new Ranges, sharply, as he has been personally directed to do: –

[illegible]
Special Assistant
Excise Commissioner
Detective Branch

No 3542
832

Excise Commissioner's Office
Bangalore, 21st February 1895.

32 C/V

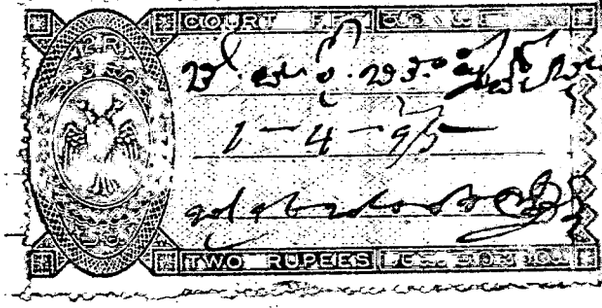
Endorsement

In reply to his Petition dated 17th instant, D'Costa, late Temporary Detective Assistant Superintendent Madura-Tamkeree Range, is informed that final orders have been passed in his case He is warned against further petitioning in the matter

2. He will forthwith proceed to Chitaldroog and report himself to the Deputy Commissioner of that District to take charge of his duties as Toddy Darogah.

3. Four-fifths of his pay minus allowance for the period during which he has been under suspension has been ordered to be disbursed to him; and a supplemental bill has accordingly been prepared and sent to the Deputy Commissioner, Madura District, for verification and return. In the meantime an advance of Rs. 20/- will be paid to him at the Central Office for his expenses to proceed to Chitaldroog.

J Mackett
Excise Commissioner
in Mysore



33

In the matter of the Petition of J. F. D'Costa to the Government of Mysore.

I the above named J. F. D'Costa do hereby retain and appoint H. Lubeck Esquire B.A., L.L.B., Advocate Chief Court of Mysore, to present the above petition and to appear plead and act in the above matter on my behalf and I agree to ratify and confirm all legal acts that my said Advocate shall do or cause to be done in the premises on my behalf.

In witness whereof I have hereunto set my hand this 31st day of March in the year 1895.

J. F. D'Costa

Accepted
H. Lubeck
Advocate Chief Court
of Mysore.

Signed in my presence
H. Lubeck
Advocate

SECTION

FILE No. 2 3 a 96

SUB-No. 2

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM. 2

The accompanying Petition No. 2535

dated 17 April 1895 received at the

Dewan's Office from J. F. D'Costa

Detective Assistt Supervisor Jaffna Range

complaining of his ~~being~~ reduction to a lower

grade

is forwarded, together with its Enclosures, to the Excise Commr

for submission of the

entire proceedings

original connected with the

case together with a

report of the facts ~~& the~~

the case ~~particularly as~~ and the

points urged in

Gen. 30.]

SECTION S. R.

FILE NO. 23 of 94

SUB-NO. 3

From

The Excise Commissioner
in Mysore.

To

3

1895 — 14 & 15

R 4087

Submitted

Under

The ~~Chief~~ Secretary to the
Government ~~Dewan~~ of Mysore.
Excise department

Dated 30th
Despatched 3/5. } April 1895
Received

Enclosure No. 20.

General No. 4584
No. 437

In reply to Chief Secretary's
official memo No. 1680 2
dated 8th April 1895. R 2357

SUBJECT.

Reports on the appeal
Petition to Governme
of D'Costa, Toddy
Daroga of the Chittaldr
District

KB
9/5

Call for the Cross proceedings
that ended in the punishment
of D'Costa by 2nd class
Sub-Assistant Superintendent
in April 93 and explain
how he was promoted to
the higher grade before
his trial: in the lower
grade

10/5/95

R 4/5

References (to be entered only in the Dewan's Office.)

9/5

No. 4584
437

Ex 20.

Excise Commissioner's Office

Bangalore 30th April 1895.

3—5—95

(3)

From,

The Excise Commissioner

in Mysore.

To,

The Under Secretary to the

Government of Mysore

Excise Department.

Sir,

In reply to the Officiating Chief Secretary's Official Memorandum No. 16802 / R. 2357, dated 8th instant, I have the honor to submit herewith, as requested, the papers in original, connected with the appointment of late temporary Detective Assistant Supervisor D'Costa, Kadur District, as the Toddy Darogah of the Chitaldrug District, and to briefly report as follows on the facts and circumstances which were the

cause.

cause of his removal from the post of temporary Detective Assistant Supervisor:—

(1) The Deputy Commissioner of the Kadur District, in May 1894, sent me the records of a departmental enquiry held by the Amildar of Tarikere into a complaint preferred by an arrack shop-keeper that D'Costa extorted ten rupees from her. The suspicious circumstances connected with a Diary which D'Costa did not return to my office, and with his Diary Register which appeared to have been tampered with after the above complaint was made against him, coupled with the fact that four witnesses corroborated the complainant's statement that D'Costa extorted ten rupees from her, rendered it desirable that he should be formally tried, and that the case should be disposed of on its merits; and accordingly the

finding and decision of the Magistrate,
I passed my orders in my Official
Memorandum dated 10th February
1895, reinstating D'costa, but in
a different appointment as Toddy
Darogah. (Vide 273(c) etc. of the Mysore
Service Regulations). His Substantive
appointment was that of a 2nd grade
Tester on Rs 25+10 in the Shemoga
District. In this capacity also
he misbehaved himself and was
twice suspended. (Vide Shemoga
Deputy Commissioner's letter No: 544/53
dated 25th May 1891, and order
dated 3rd June 1890, on the accompany-
-ing file). Considering all circum-
-stances, I did not like to confirm
him in the responsible post of
Detective Assistant Supervisor;
but instead of reverting him
to his substantive post of Tester,
I

I appointed him as the Toddy Darogah of the Chitaldrug District, in consideration of his having drawn at first Rs 50+15 and then 60+15 for several years as a temporary Detective Assistant Supervisor, vice Narainsawmy Moodr, who was appointed Detective Assistant Superviser being highly recommended for it by the Deputy Commissioner of the Chitaldrug District.

(4) Though I doubted the truth of the charge of extortion, yet I did not exonerate D'costa from blame in the case of the seizure of diluted liquor and leaky dram cups. (vide docket No: 2310/78, dated 12th November 1894 to the Deputy Commissioner, Kadur) Though there may have been no intention of hushing up the case, the articles seized having been in the custody of a 3d person, yet the fact

fact remains that he neglected to report the seizure to the Magistrate under Section 32 of the Excise Act. Any Excise Officer who neglects to report the particulars of any seizure under Section 32 of the Act, or delays taking to the Magistrate or Deputy-Commissioner any articles seized, is punishable under Section 46 with fine which may extend to 200 rupees. Under such circumstances I did not order the disbursement of his full salary for the period of his suspension, but ordered only four-fifths of his pay minus allowance to be paid to him, as per 135(b)(ii) of the Mysore Service Regulations

The enclosures are herewith returned

I have the honor to be,

Sir,

Your most obedient Servant

J Ricketts

Excise Commissioner

in Mysore.

44

(4)

SECTION S R
POSN 23 of 94
SUB No 4

The Excise Comr
in Mysore

Dy 21st March 95

No 21248/R 3045 In:

His letter No 4584/437 Dy 30th April 95 reporting on the appeal petition of D'Costa, Foddy Davogah of the Chikaldroog Distt

In reply, has the honor to request the submission of the correspondence that ended in the promotion of D'Costa to 2nd Grade Detective Asst Supervisor in April 93, and to enquire how he was promoted to the higher grade before his confirmation in the lower grade

B O

21/3/95

Chief Secy

16/5/95

Gen. 30.]

OFFICE OF THE
1636.
30. MAY 1895
R4532
DEWAN OF MYSORE.

189

From

The Excise Commissioner
in Mysore.

(5)

To Unde

The ~~Chief~~ Secretary to the
Government ~~Dewan of~~ Mysore.

Dated 28th } *Excise Department.*
Despatched 29th May 1895.

Received

Submitted for Orders

28/5/96

SECTION S R
FILE No. 23 of 96
SUBJECT No. 5

Enclosure No. 4

General No. 5114
No. 467

In reply to Chief Secretary's docket No. 2/248 R. 3045, dated 21/23 st. instant.

SUBJECT.

Forwards original correspondence relating to the promotion of D'Costa to the Second Grade Temporary Detective Assistant Superintendentship.

Excise
Rev. Mysore
30/5/95

References (to be entered only in the Dewan's Office.)

Ref put up

4/6.

No 5714/467

No Enclos: 4

Excise Commissioner's Office
Bangalore. 28th May 1895.

46

5

From,

The Excise Commissioner
in Mysore.

To,

The Under Secretary to the
Government of Mysore
Excise Department.

Sir,

In reply to the Chief Secretary's docket No. 21248/A.3045, dated 21/23 ult., I have the honor to forward, herewith, the original correspondence* relating to the promotion of D'Costa to the Second Grade Temporary Detective Assistant-Supervisorship in April 1893, and to state that in the lower grade also he was in the Temporary Staff.

*
1. D'Costa's application dated 28th March 1893, for promotion, with its enclosure.
2. Special Excise Assistant Commissioner's No. 337, dated 10th April 1893, to the Excise Commissioner through the Deputy Commissioner, Kadur.
3. Kadur Deputy Commissioner's No. 1419, dated 17th April 1893 to the Excise Commissioner.
4. Excise Commissioner's No. 5648, dated 23rd April 1693, to the Deputy Commissioner Kadur.

staff, and his promotion was also in the Temporary Staff, his permanent or substantive appointment having been that of Tester in the Shimoga District.

I have the honor to be,

Sir,

Your most obedient servant

S Ricketts

Excise Commissioner

in Mysore

Enclosure
to Sl S

To
The Dy. Com.
Nasarawa

23/4/93
29 In. 5647 5648
(Enclo. 1) 110 111

The Dy. Com. In. 141
of 17th instant.

In reply I have the honour to state that, as D'Costa appears to have done well in the detection of illicit distillation, he is granted the 2 years Temporary Detective allowance. Submission of In. 60 + 15 with effect from 1st April 1893.

2 It is requested that Mr. D. Donnell may be addressed to peruse & submit a Statement, showing the number of cases of illicit distilling detected by each member of the detective staff, in 1892 and up to date in 1893.

3. Mr. D. Donnell is requested in these

Office thereof. By 11th July 1892, to keep the
Excise Com.rs & Dep. Comrs concerned,
informed of the progress of work performed
by the detective staff, monthly. Such
Enquiries in what respects and how
this direction has been carried out.

No. 5649
893

Copy to the Comptroller
for information

Excise Com.rs

5 Fhc 2900
1893

(General Serial No. 30.)

1893

Enclosure to Sl 5

From The Dy Commissioner Kadur Dt

To The Excise Commissioner at Bngalore

Dated 17th

Despatched 17th April.

Received 23/4/93

Approved
T. D. A.S.
7 April 1893

Enclosures No. 3

General No. 1419 / No. 1892-93

Has the honor to forward for favorable consideration Special Excise Asst Comrs: Lr. No. 337 of 10th April 1893, regarding temporary Detective Assistant-Supervisor d'Costa.

H H Sparks
Dy Commissioner
Kadur Dt.

Am. S.

M. G. O. P. Bangalore.—30-1-93.—5,000.

1893.

57

From

The Special Excise Asst Commissioner
in Mysore

Enclosure—1.
to P.L.S

The Excise Commissioner
in Mysore
(Through the Deputy Commissioner
Kadur district)

Dated 10 April 1893.

No 337 Enc 2.

Sir,

1. I have the honor to enclose for your personal temporary Detective Assistant Supervisor D'costa's application with the enclosure and to state this Officer is one of the best, most skillful, energetic active and successful Detectives in the force; and has doubly earned the promotion sought under the offer made by Colonel Campbell when Excise Commissioner and the promise recently held out by yourself to the Officers (Vide your memorandum No: 349-58/5 dated 11 July 1892).—

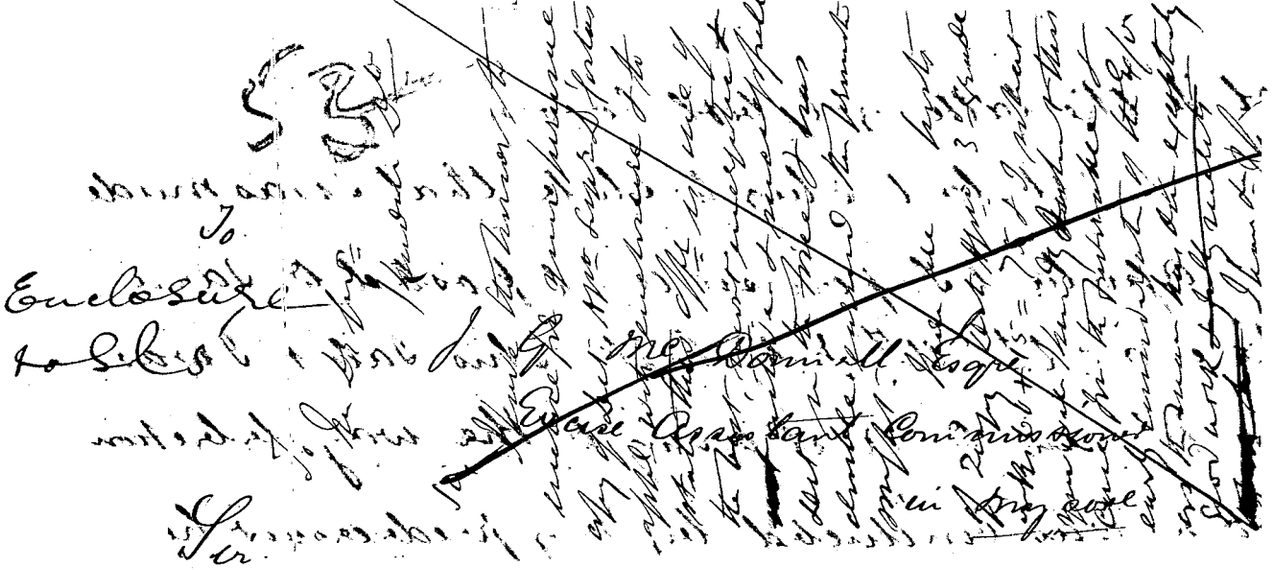
2. There are four posts each of one step in the rank of Temporary and permanent Assistant Supervisor 2d grade on Rs 60+15=75 and I solicit you will kindly confer one of them on this man as he has done exceptionally good work and is honest able and bears a good character. His pay is now Rs 50+15=65 as Temporary Detective Supervisor.

3. He has detected 3 more cases this month which are entered in no 1 in his

Forwarded
Excise Com:
H H Rogers
15/4/93

in the list enclosed

I have the honor to be
Sir
Your most obedient
[signature]
Special Excise Appt Inspector
in Dry Area



To

Enclosure

The Excise Assistant Commissioner

Sir

I most humbly beg leave to bring the fol-
lowing circumstances of your said Consideration
on the enclosing herewith the list of Cases of il-
-lit distillation I had detected since I was enter-
-tained in this Department, I beg leave to state
that I was appointed as Writer on Rs. 15 + 10 = 25 in
the year 1889. Being in such a poor position
have no addition to my general work distres-
with utmost labor, risking my life on several
occasions, by Cases of illicit distillation in the
talaks of Shikarpur & Shimoga respectively in
hope of being made an Assistant Supervisor
per a circular order of the, then Excise Commis-
-sioner Col. A Campbell, to the effect, th
any Writer or Supervisor detecting 3 Cases of ill
distillation & securing Convictions will be given so
hard of my misfortune, although I had de-
-ed more than the required number, I was
given promotion or any Consolation for my
hard labour & repeated occasions
Commanded for an Assistant Supervisor's ple
and also for a reward of Rs 100/- worth an

under the latter by both honors.

At last I beg to state, that I was made an Assistant Supervisor and posted at Jarre= khere on the 16th July last. This taluk I was quite new to. And owing to the way detective work was conducted by my predecessor here it was very difficult to detect cases. But without loosing heart & working day & night I have detected 6 cases of illicit distillation in 6 different villages and have secured conviction in all without a single exception. I have now 5 cases more in hand. In the proceedings of the Excise Commissioner appointing me as Assistant Supervisor, it was said that any detective proving himself by his hard labor & showing himself to be competent will be promoted. I therefore solicit that in consideration of my past hard & trying services to Government and also in consideration of the two distinct promises held out to me I may be promoted to 60+15=75 with retro= active effect from 16th July last and granted the award of Rupees 100/- as was conceded to Asst. Supervisor Taldanha. Your honor also had promised to recommend me for promotion if I worked hard & gave satisfaction, and your honor will see & judge by the number of illicit distillation cases I have detected, 23 in all as respective of about 26 other Cases

of breaches of the Rules and Act that I have done my best to win your approval and that you will now be graciously pleased to move the Excise Commissioners to grant my humble prayers. For which acts of justice & kindness I shall ever pray

I beg to remain
Sir
Your most obedient Servt

J. A. D. Clarke
Dist Assistant Inspector
Tarrikere

Tarrikere
28. 3. 93

Statement showing the number of illicit distillation Cases detected by Dist: Assistant Superviser I. Division

No	Date of detection	Name of District	Name of Taluk	Name of occurrence	Names of parties involved	Penalty: Imprisonment	Penalty: fine	Amount of Reward ordered	Amount of Reward paid	Remarks
						month day				
1	21-10-90	Shimoga	Shikarpoor	Adaganti thanda	Thookya Lambanee	1 "	10 " "	" " "	" " "	
2	do	do	do	do	Hambah do	" 10	10 " "	" " "	" " "	
3	do	do	do	do	Valya do	" "	15 " "	" " "	" " "	
4	do	do	do	do	Lashkariya do	acquitted				
5	do	do	do	do	Tokree do	" "	10 " "	" " "	" " "	
6	5-11-90	do	do	Jamboor	Baboora do	1 "	20 " "	10 " "	10 " "	
7	15-11-90	do	do	Korthkere thanda	Desha naik do	1 "	15 " "	15 " "	15 " "	
8	15-1-91	do	do	Chowdanaikan koppa	1 Baswa madgar	1 "	2 " "	" " "	" " "	
9	do	do	do	do	2 Doorga do	acquitted				
				do	1 Sidda madgar	1 "	2 " "	" " "	" " "	
10	do	do	do	do	2 Hanama do	acquitted				
				do	Hanama do	" 10	2 " "	" " "	" " "	
11	14-7-91	do	Shimoga	Mallenhalli	Chandrya Lambanee	1 "	30 " "	20 " "	fine not recovered	
12	do	do	do	do	Ramala do	1 "	30 " "			
13	16-9-91	do	do	Shankergatta	Nandya do	" 20	20 " "	10 " "	10 " "	
14	do	do	do	do	Laxima do	" "	5 " "	" " "	" " "	
15	2-10-91	do	do	Hosalli thanda	Lall. Smga do	1 "	7 " "	2 " "	2 " "	
16	15-10-91	do	do	Kallahalli do	Jeevala do	simple	30 " "			
17	do	do	do	do	Badiya do	1 "		20 " "	20 " "	

Detected during a Tour on 15+10=25.
Convicted Tour. 7.6.89. given in dispendant
charge. 1-6.90. & sent to Shearpoor-

1	27.8.92	Kadur	Tarrikere	Hergapur thanda	Ramalya naik	"	15	10	"	"	5	"	"	5	"	"		
2	2.9.92	do	do	Bushomalli Jagerhatti	1 Rathya	1	"	10	"	"	5	"	"	5	"	"		
					2 Rupee	1	"	"	"	"	"	"	"	"	"	"		
3	12.10.92	do	do	Govindpur thanda	Ranganja naik	1	"	50	"	"	20	"	"	fine not received.				
4	18.3.93	do	do	Bushomalli thanda	Vatcha	0 simple	22	"	"	"	"	"	"	"	"	"		
5	20.3.93	Shimoga boundary	Shimoga / Tarrikere boundary in Shimoga Taluk	1 Bokyatimalli thanda	1 Rekya = Tandani	1 simple	"	5	"	"								
					2 Dasha do	"	"	10	"	"	"	"	"	"	"	"		
					3 Ramanaik do	"	"	10	"	"								
6	do	do	do	Barandur	1 Phatya do	1 simple	"	5	"	"	"	"	"	"	"	"		
7	3-4-93	~~Kadur~~ Tarikere	Tarikere	Kankoochi Lakkanallikayalu	1 Punacha	1 Rup.	"	10	"	"	"	"	"	"	"	"		
8	6-4-93	— do —	— do —	— do —	1 Ramala	1	"	20	"	"	"	"	"	"	"	"		
9	6-4-93	— do —	— do —	Hanumanthapura	1 Lakya	1	"	50	"	"	"	"	"	"	"	"		
9	Total.																	

Detected after being made Accuse Apte
Suspension on the 16th of July 1892.—

26/

Asst Comr
Dist Asst Superintendent
Tarrikere

Gen. 30.

57

OFFICE OF THE DEWAN OF MYSORE.
16870
7 JUN 1895
24660.

189

From

The Excise Commissioner in Mysore.

7

To

Under
The ~~Chief~~ Secretary to the
Government ~~Dewan~~ of Mysore.

Dated 6th June 1895
Despatched
Received

Enclosure No.

General No. 5228
No. 474

~~In reply to~~

Submitted for orders.

2 If approved, the bills may be sanctioned

This has to be submitted to the 3rd Councillor for orders as to whether Govt. are prepared to sanction payment of the arrears mentioned in the enclosure Note. Antrikar 14/5

Submd with note 14/6

SUBJECT.

Forwards copy of communication from the Comptroller of Mysore, together with its enclosures, regarding the arrears of pay due to the late temporary Detective Assistant Supervisor D'Costa, and requests sanction to the extra charge.

References (to be entered only in the Dewan's Office.)

Excise Commissioner's Office,

No. 5228 / 474 (Enc 7) — Bangalore, dated 6th June 1895 — 7

From

The Excise Commissioner
in Mysore

To

The Under Secretary to the
Government of Mysore
(Excise department)

Sir,

In forwarding herewith copy of docket No 6824, dated 23rd/28 May 1895 from the Comptroller together with its enclosures and Supplemental Pay Bills for Rs 168/- and Rs 49-14-10 being the amount of 4/5ths of Pay due to the late Temporary Detective Assistant Supervisor D'Costa who was under Suspension from 1st August 1894 to 26th February 1895, I have the honor to state that an extra charge of Rs 12/- has been incurred monthly as per margin on account of acting arrangements made during the time of his Suspension, and to request therefore that

Allowances Sanctioned during the period of D'Costa's suspension

1. Raju moodaliar Tester Acting for D'Costa
   $\frac{1}{5}$ of Rs 60 = 12-0-0
2. Pachamea asstt: Tester Acting for Rs 1. $\frac{1}{5}$ of Rs 15 = 3-0-0
3. Ramalinga moodaliar Asstt: Tester &c: for Rs 2. $\frac{1}{5}$ of Rs 10 = 2-0-0
4. Venkatasoobiah (Peon man) Acting for Rs 3. $\frac{1}{5}$ of Rs 7 = 1-6-5

Add allowance to Rs 4 Sanctioned for him as suggested by the Deputy Commissioner } = 5-9-7

Total Rs 24-0-0

Amount of $\frac{4}{5}$th of pay granted to D'Costa } 48-0-0

Total monthly cost Rs 72-0-0

Permanent pay of the post 60-0-0

Extra charge incurred monthly } 12-0-0

that the Bills may be Sanctioned and forwarded to the Comptroller for audit. This excess amount may be met from the general Savings in the Excise

Budget for 1894-95.

I have the honor to be,
Sir,
Your most obedient Servant
Thiketts
Excise Commissioner
in Mysore

No. 5.

6

Enclosure
to Sl 6

From,

The Comptroller
of Mysore

To,

The Excise Commissioner
in Mysore

Dated 23/28 rd May 1895.

No. 6824.

Enclos: 6.

With reference to his No. 4473/1022, dated 26th ultimo, has the honour to return, herewith, the Supplemental Pay Bills of Late Detective Assistant Supervisor D' Costa, for obtaining the sanction of Government as this is in excess of the sanctioned scale, Vide Article 135 of the Mysore Service Regulations

Signed / H. Eagles
for Comptroller

"Copy"
S Muker
Excise Commissioner
in Mysore

61

Enclosure
to Sl 6

In consequence of the suspension of Detective Apistant Supervisor D'Costa the following arrangements were made—

1. Tester Rapa Moodeliar of Chickmagr Range to act for D'Costa as Dete assistant Supervisor Tarekérip Range from 1st August 1894
2. Detective Apistant Tester Pachamma of Tarikere Range to act as Tester Chickmagalur Range from 1st August
3. Apistant Tester Ramalingaia Moodeliar of the Chickmagalur Range to act as Detective Apistant Tester Tarikere Ra during the absence of Pachamiah—
4. Venkatsubbiah to act for Ramalinga Moodeliar as Apistant Tester Chickmaga Range

For Deputy Commissioner
Cadm District

Enclosure to 81 5

Memo

Under instructions received from the Excise Commissioner in consequence of Raju Moodeliars death. Mohomed Peera Sheikdan Cuenamaglum Kader is appointed to act as Detective Assistant Superviser Moodegoe Salay during the suspension of Costa and will draw pay from the 7th Instant.

2. Veeranath Moodeliar 1st Grade Apistant Tester Moodegoe is appointed 4th Grade Tester Chinnamaglum vice Raju Moodeliar deceased

3. Ramalingam Moodeliar Acting 1st Grade Apistant Tester doing duty in the Tankeree Salay is confirmed in the acting appointment from the date of Raju Moodeliars death; and is transfered to the Moodegoe Salay to form one recommended by Prd

4. Ramaswamy Sivakami
Scale Koppa Range is transferred
to the Chickmagalur Range vice
Ramalingam Moodelliar promoted.

5. The newly appointed man
Ramaswamy Moodelliar will on
joining duty report himself to
the Koppa Range Ranger for duty
in that range and till such time
as he joins his work, the present
incumbent Venkatachelia will act
for him.

6. The Chickmagalur Amildar
will make temporary arrangements
during the absence of Mohammed Peera

(Signed) A. N. Sparkes
Deputy Commissioner
29/12/64 Kadur District

Copy -

W. Murphy
for Deputy Commissioner
Kadur District.

Enr. Sl 6 No. 4

Certified that D'Costa late Apistant Supervisor has drawn his subsistance allowance of 20 Rupees up to end of January 1895 and to no later date.

For Deputy Commissioner
By Kadur District

Dated 13th March 1895
Camp Kingadalli

Enclosure 65
vasl b

Certified that D'Costa late Assistant Supervisor has drawn his pay Rs. 60+15 up end of July 1894 and to no later date

W Cummins Parker
for Deputy Commissioner
& Kadur District

Dated 13th March 1895
Camp Kunjadalli

So his case cannot be con-
-sidered to be a very hard
one.

2. The Excise Comr is
requested to view his case
favourably on an oppor-
-unity occurring hereafter,
if D'Costa does
good work as Daroga

Sd/
Rev Lacy

To
The Excise Comr in Guyana
Copy to D'Costa with refe-
to his appeal petition Dy
31st March 95

S.A.G.
11/4/95

S... S. R...
... 23 of 94
... 7

(6)

Read
Letter No 5114 Dy 28th May/95
from the Excise Comr in
Mysore submitting for
orders original Correspondence
relating to the promotion of
D'Costa to the Second Grade
Temporary Detective Assistant
Supervisorship.

Order thereon 23... / 3405-A/15/6/95

Though D'Costa appears
to have done some good
work and was promoted
twice, Govt do not consider
that his conduct has been
satisfactory altogether.
He bases his case chiefly
on temporary appointments
and promotions. His present
appointment on Rs 40+15
is by far higher than his
substantive appointment of
Peon on Rs 15+10 and

Gen. 30.

S. R. —

23946

8

From

To

6.8.

1895

OFFICE OF THE DEWAN OF MYSORE. 17742 21 JUN. 1895

8

The Excise Commissioner in Mysore.

Revenue R 4962

The ~~Chief~~ Secretary to the Government of ~~Dewan~~ Mysore.

Camp Bidadi

Dated 19th June 1895

Despatched 21

Received

Enclosure No.

General No. 5443

No. 488

In reply to Government Proceedings

No: 23322-3 / R. 3405, dated 15th / 17 instant.

SUBJECT.

Requests that the file of original correspondence in re D'Costa, sent with this office No: 5114 / 467, dated 28th May 1895, may be returned

Submitted

2. The original papers may, if approved, be returned after the question of D'Costa's ~~allowance~~ pay is disposed of.

Keep in file

Put up — R

1/7 S. R.

Sub 2

Sub 2 Papers

Put file ... Sub 2 for ...

...

...

R

References (to be entered only in the Dewan's Office.)

The references were taken by Mrs Shanmugam on 21/6/95

27/6.

8/6/95

Read 70 (9)

Letter No 5228/474 Dy 6th June/95
from the Excise Comr in Myso
Submitting for sanction a
Supplemental pay bills for
Rs 168/- & Rs 49-14-10 bring the
amount of 4/5 of pay due to the
late Temporary Detective Asst
Supervisor D'Costa who was
under suspension from
1st Augt-94 to 20th Feb/95

Order thereon. No 442-3 Dy 6/7/95
Ex 10
In 2 bills.

The Excise Comr reports
that an Extra Charge of
Rs 12/ has been received
monthly on account of
acting arrangements
made during the period
of D'Costa's suspension.

2 Under the circumstance
represented, the bills
submitted with the above
Amounting to Rs 217-14-10

SECTION S R
FILE 23 of 94-5
SR 9

are sanctioned and
forwarded to the Comptr
for audit, the Extra
Charge being debited
to the General Savings
in the Income Budget.

6-7-95

Rev Secy

The Income Cover with the original
papers rec'd with his No 4584/437 of 30th April 95.
the Comptr with bills

S. N.

6/7